REMARKS

Applicants respectfully traverse the Examiner's prior rejection of Claims 1-38 and again respectfully submit that there is no suggestion to combine the cited references as submitted in Applicants' Amended Response dated November 21, 2003. However, in response to the final Office Action mailed February 23, 2004, solely in order to expedite prosecution of this application, Applicants have amended claims 1, 13, 26, 30-31, and 35-37, and canceled claims 7 and 20. The subject matter of the prior claims may be pursued in a continuation application. Applicants respectfully submit that the amended claims are in condition for allowance and include no additional subject matter necessitating an additional search of prior art by the Examiner. Applicants respectfully request allowance of all currently pending claims.

Each of the amended claims now include a limitation of "information regarding prior use of telecommunication services." The Examiner initially rejected Claims 7 and 20 including such a limitation under 35 USC 103(a) as being obvious over Giovannoli/Shkedy in view of official notice. In particular, in the latest action, the Examiner took official notice of the "notoriously well-known practice" of "[i]nquiring of the buyer about his earlier use of the similar services as exemplified while buying cars because obtaining information about earlier use of products/services helps to collect a history on the customer's use and experience with such products/services and also to gain either a positive or negative feed back on a particular type or brand of service and this information can be used to create a user's profile to be used for future marketing and promoting new products." However, nowhere has the Examiner presented any evidence of such well-known practice. In particular, nowhere has the Examiner presented any

evidence that salesmen or dealerships selling cars obtain information about purchaser's current or past use of automobiles, much less that such salesmen collect history on a customer's use and experience, much less that they obtain positive or negative feedback on a particular type or brand of automobile a customer has used in the past, much less that they create a user profile based on such use, experience, or feedback, nor that they use such experience or feedback for marketing and promoting new automobiles to customers. Attorney for Applicants notes that in his six most recent car purchases no car salesman or dealership has asked him what particular type or brands of automobiles he has owned previously much less any additional details regarding such use. Applicants again respectfully traverses the Examiner's taking of official notice. Moreover, as earlier submitted, merely obtaining prior use information does not disclose using such information with the unique combination of elements recited by each of the currently pending claims. Nowhere has the Examiner presented any teaching or suggestion within any of the recited references to combine the recited elements with the Examiner's alleged teaching of official notice.

Despite maintaining the Examiner's initial rejection based on official notice, the Examiner also presented new grounds for rejecting the subject matter of now cancelled Claims 7 and 20, which each incorporated a limitation of "information regarding prior use of telecommunication services." Such new grounds included citing a reference of U.S. Patent No. 6,167,383 (Henson) for the purported purpose of showing a teaching of using "information about the prior use of computers." The Examiner contends that such new grounds was not a new rejection as it was "added only as directly corresponding evidence to support the prior common

knowledge finding." However, nothing in the Henson references directly corresponds to or even supports the Examiner's prior contention that car salesman use information on prior use of automobiles by purchasers. In fact, the Henson reference does not relate to the automobile industry at all and is certainly not evidence supporting the Examiner's earlier contention. Applicants therefore respectfully request that the finality of the current rejection be removed.

Substantively, Henson concerns the online purchase of computers. However, nowhere does the cited portion of Henson (the Examiner cited Figure 7 generally with no specific references) disclose, teach, or suggest including "information regarding prior use" in any manner. The cited portion of Henson is only concerned with categorization of purchasers based on whether they represent the government, a company, or an individual buying for his or her home. In particular, Henson is concerned with the control and streamlining of "delivery and payment options," "recognized customer classifications (e.g., small business, federal government)," and "custom explanations of checkout requirements and checkout instructions" based on the foregoing. See the first paragraph of the specification corresponding to Figure 7. The described type of classification a customer is not taught to involve "information regarding prior use." Nowhere does Henson mention prior use information in Figure 7. For at least these reasons, Applicants respectfully traverse the Examiner's new rejection based on Henson, and respectfully submit that the Examiner has still not disclosed any reference teaching the recited limitation of "information regarding prior use," much less teaching or suggesting a combination of such limitation with the remaining recited limitations of the currently pending claims.

The Examiner further contends that the examples of "information regarding prior use" introduced in the specification of the application should not be read into the claims. Applicants agree with the Examiner's contention. However, Applicants presented the examples of "information regarding prior use" to illustrate to the Examiner the advantages of the inventions covered by the currently recited claims when combined with "information regarding prior use." Thus, such information allows a system, for example, to determine how good of an offer to make to a customer based in part on information on prior use, such as the volume or time of services consumed by a customer in the past. Again, this is just an example of the advantage such information would provide in the industry of Applicants, and is not intended to be an exhaustive list of advantages.

The Examiner next contends that Applicants has neither traversed the facts and benefits of the official notice adequately nor asked for documentary evidence. Applicants respectfully refute the Examiner's contention. On pages 8 and 9 of the Amended Response dated November 21, 2003, Applicants refuted the Examiner's taking of Official Notice that car salesmen obtain "information regarding prior use." More particularly, the Examiner cited a salesman asking about trade-in information as "information regarding prior use." Applicants refuted that a salesman asking if a purchaser has a trade-in is "information regarding prior use" among other issues with the official notice taken by the Examiner. The Examiner did not address the Applicants' comments in the current action and indeed came up with a new grounds of rejection in Henson instead of addressing Applicants' statements. Applicants further refuted the Examiner's taking of official notice being in any way related to considering a purchase request.

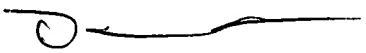
Again, the Examiner did not address such comments. Applicants also refuted the Examiner's additional official notice taken of telemarketing. Again, the Examiner did not address Applicants' comments. However, the Examiner does not appear to be reasserting such additional "telemarketing" grounds of official notice as the Examiner is for "trade-in" information, which has now been apparently expanded to include new official notice of "[i]nquiring of the buyer about his earlier use of the similar services as exemplified while buying cars because obtaining information about earlier use of products/services helps to collect a history on the customer's use and experience with such products/services and also to gain either a positive or negative feed back on a particular type or brand of service and this information can be used to create a user's profile to be used for future marketing and promoting new products."

Thus, Applicant did previously traverse both the facts and benefits of the Examiner's previous official notice although such traversal has not been addressed by the Examiner. Instead, the Examiner has expanded the original official notice and cited the new reference of Henson which does not appear to support the Examiner's contention as addressed above. Thus, the Applicants respectfully request that the Examiner remove the finality of the current rejection as: (1) new grounds for rejection refuted herein have been presented by the Examiner, (2) Applicant's previous traversal of the Examiner's rejection taking official notice has not been addressed by the Examiner, and (3) the Examiner has not presented any documentation supporting the Examiner's original official notice. In any event, nowhere does Giovannoli in view of Shkedy in view of Henson disclose, teach, or suggest the original limitations of previously recited Claims 7 and 20 hereby incorporated into all pending independent claims.

Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant's representative indicated below to further prosecution of this application to allowance and issuance.

Respectfully submitted,

PATTON BOGGS, LLP



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